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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,805	09/26/2000	Scott C. Harris	RTA/SCH	3717

23844 7590 03/13/2008

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EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 03/13/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

Notification of Non-Compliant Appeal Brief (37 CFR 41.37)	Application No. 09/669,805	Applicant(s) HARRIS, SCOTT C.	
	Examiner ERNESTO GARCIA	Art Unit 3679	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 16 December 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☒ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☒ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.

/Daniel P. Stodola/
Supervisory Patent Examiner, Art Unit 3679

Continuation of 10. Other (including any explanation in support of the above items):

Re: item 2: The status of claims 1, 3, 4, 6, and 8-12 has not been addressed and thus the status of all claims has not been set forth as is required.

Re: item 3: Appellant's statement that "it is unknown whether the status of these amendments have been entered, or not entered", the commentary disagreeing with the Office's handling of these amendments, and the request that these amendments should be entered after final does not constitute a proper statement of the status of these amendments as understood by appellant. The statement should indicate whether or not the amendments were entered. Absent any communication indicating entry, it would appear that these amendments either were not entered or were not considered and thus not entered.

Re: item 4: The reference to the first computer, the bids, the current bids, and the information by reference character is missing from claims 2 and 13. Further, the concise explanation should be about the claimed invention and not what particular pages and line numbers describe. In the description of claim 13, it describes "and others" when referencing the specification. This description is not identify the page/line location and should be replaced with the specific location or be deleted. Further with respect to claim 13, the entire claim must be mapped out irrespective of whether or not this information was previously identified for another independent claim. The description of claim 18 fails to identify each of the features by reference characters. For example, claim 18 sets forth a "server" and this server is identified in the specification by a reference numeral associated therewith. However, no reference numeral is provided in the summary of this claimed subject matter. In the description of claim 25, it describes "see the variables described in the bottom nine lines of page 15". This is not concise since it is unclear what are the variables being referred to. Accordingly, the description should identify the variables. Further, the description "this is checked in the second computer without contacting the first computer" at the end of page 8 to describe claim 25 is incorrect since nowhere is there a step of checking in claim 25. It should be noted that the only step that occurs without contacting the first computer is informing the user, and not determining the highest bid.

Re: item 7: Only the claims that are being appeal are to be present in the appendix. Accordingly, since claims 7, 23 and 24 are not included in this appeal, a copy of such claims is not to be included in the appendix of appealed claims.